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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,264	04/02/2007	Alex Mashinsky	5068-7PUS	1850

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK, NY 10176

EXAMINER
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KUDDUS, DANIEL A

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,264	<b>Applicant(s)</b> MASHINSKY, ALEX	
	<b>Examiner</b> DANIEL KUDDUS	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11 and 14-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 07, 2009 has been entered.

### ***Objection***

2. Claim 9-11 and 14-23 are objected because of the following reasons :

In claim 9, "If" condition is being recited (e.g. if new uploaded data is determined or if the user wished to receive new results), which makes claim language indefinite.

3. Claims 15 and 19 are depends on a presently cancelled claim (e.g. claim 12). Examiner will further treat these claims on its merits based on the assumption Applicant intended this claims to depend directly on claim 9.

Any claim not specifically addressed, above, is being objected as incorporating the deficiencies of a claim upon which it depends.

### ***Claim Rejections - 35 USC § 112 2<sup>nd</sup> Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-11 and 14-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation of ‘third party trigger events’. The term ‘trigger events’ is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree and one of the ordinary skill in the art would not be reasonably appraised of the scope of the invention.

Any claim not specifically addressed, above, is being objected as incorporating the deficiencies of a claim upon which it depends.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-11 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (US 2002/0184200 A1) and further in view of Crandall et al. (US 6321228 B1), hereinafter, Crandall.

With reference to claim 9, Ueda teaches **a computer-implemented method for exchanging newly added information over the Internet, comprising:** (see ¶ [0132], exchange mobile communication terminal network, the Internet or an intranet, the content server, an application server, and a client computer), **uploading new data from information providers or administrators into an information exchange for receiving web-based information from**

**web-based network sources** (see ¶ [0143], uploading the information source and distributing conditions basic data to the information source and distributing conditions basic data file of the intermediation computer system, and selecting or retrieving specific information source and distributing conditions basic data satisfying the search criteria in the information source and distributing conditions basic data file, [0019]), **entering and storing search queries as static queries in a system database, which are used for retrieving information pertaining to the static queries from the internet, said static queries being input from users or subscribers to the information exchange** (see ¶ [0134], a user authentication request, or a static search criteria (unchanging search criteria) registration request, [0143], [0136]), **monitoring data at the information exchange to determine whether new uploaded data has been added to the information exchange by the information providers or the administrators** (see ¶ [0267], terminal network and the internet so that it can monitor to perform operation), **determining whether any new uploaded data is responsive to the static queries** (see ¶ [0140], the session ID is authenticated and the static search criteria configured by the user is registered in the static search criteria part in the user data file, [0138]), **and if new uploaded data is determined to match the static queries sending, over the internet, the matching data to the users or subscribers who entered the static queries** (see ¶ [0134], if matched, the user is authenticated and then a session ID is registered in the session ID data file and a static search criteria setting screen is sent with the session ID to the requesting party. The request is checked whether it is authorized or not by referring the session ID data file and simultaneously the static search criteria are registered in a static search criteria part in the user data file), **determining whether a user wishes to be notified about new results related to the queries and combining the queries**

**with other information provided by at least one of device, computer, web service and search engine used if the user wished to receive new results related to the queries** (see [0153], [0155], a cellular phone type mobile communication terminal, a ringer tone or a vibration may be generated to notify the reception, [0038], [0019], [0243], in the case of a category such as a train timetable, when the mobile communication terminal approaches a station, the time for departure of the several trains after the present time that are bound for the destination may be presented in combination with a reception notification signal, [0247]), **translating the queries and said other information into a complex query based on at least one of a user's profile, other previously entered user information, and of search results and third party trigger events** (see figure 11, ¶ [0138], an authorized mobile communication terminal by comparing its user ID and password with ones in the user data file, and if authenticated, the session ID is issued and registered in the session ID data file, and on the other hand, a notification of registration completion is sent to the requesting party, figure 7), **wherein the other information comprises advertisements stored in an ad database** (see [0270], perform billing operation depending upon the amount of the packets and issue a billing report, [0132]).

Ueda does not explicitly teach the limitation of ranking. Although Ueda teaches categorization (see figure 11). However, Crandall teaches ranking (see column 2, line 10-19).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the teaching of Ueda by applying the teaching of Crandall for a system that enables internet users to access selected records retrieved from result sets that are derived from earlier search queries. Thus, when the user submits a search query to the system, it returns selected records from the

collection and rank databases, in addition to other related web sites from the internet (see Crandall, column 2, line 10-30).

With reference to claim 10, Ueda teaches **wherein the information exchange receives queries via brokers or aggregators or search engines in data feeds** (see ¶ [0162], a verification engine part that is a program to verify the behavior of the mobile communication terminal against the distribution conditions of the information source and distribution condition list is separated as an independent program).

With reference to claim 11, Ueda teaches **wherein the queries are generated by an operating system or a specific application while a user operates a wireless device or a computer or each time a search is performed using a browser or the Internet** (see ¶ [0155], a cellular phone type mobile communication terminal, a ringer tone or a vibration may be generated to notify the reception).

With reference to claim 15, Ueda teaches **translating the combined queries and other information into a new query based on at least one of a profile of the user and search results** (see figure 11, ¶ [0138], an authorized mobile communication terminal by comparing its user ID and password with ones in the user data file, and if authenticated, the session ID is issued and registered in the session ID data file, and on the other hand, a notification of registration completion is sent to the requesting party), **and entering the new query into the system database as static queries which are accessed by the information exchange** (see ¶ [0056], the search result based upon the present search conditions when a search-target area is specified as the search conditions and a plurality of the search-target area is input successively).

Ueda does not explicitly teach the limitation of ranking. Although Ueda teaches categorization (see figure 11). However, Crandall teaches ranking (see column 2, line 10-19).

With reference to claim 16, Ueda teaches **continuing to monitor the uploaded data at the information exchange to determine whether new data has been added to the information exchange by the information providers or the administrators** (see ¶ [0291], monitor statistics such as an access frequency by location of mobile communication terminals or an access frequency to each of the contents in order to make use of the statistics for enriching or renovating the contents).

With reference to claim 17, Ueda teaches **wherein said determining step includes the step of analyzing, text searching and the matching data prior to translating the match information into a web link in a message engine** (see ¶ [0135], the packet exchange mobile communication terminal network is executed to ensure connection to a wireless line or a higher protocol network).

Ueda does not explicitly teach the limitation of prioritizing. Although Ueda teaches categorization (see figure 11). However, Crandall teaches prioritizing (see column 2, line 10-19).

With reference to claim 18, Ueda teaches **wherein said determining step includes the step of analyzing, text searching and the matching data prior to combining the matching data with statistical or relevant data and control module** (see ¶ [0135] and [0132]), Ueda does not explicitly teach prioritizing, stored in an index. Although Ueda teaches categorization (see figure 11). However, Crandall teaches prioritizing, stored in an index (see column 2, line 10-19, column 1, line 47-51).



With reference to claim 19, Ueda teaches **attaching advertising or promotional information provided by third parties to the matching information based on subscriber queries or a topic sent to a profile of the subscribers** (see ¶ [0034], attaching search conditions for the location-based information provided on a network, receiving and presenting the location-based information by accessing the verified information source, [0247, [0270])).

With reference to claim 20, Ueda teaches **charging subscribers and third parties a fee at the information exchange for distributing information** (see ¶ [0065], charge may be billed from the content providers who expect a profit by providing mobile communication terminals in a distribution area with contents).

With reference to claim 22, Ueda teaches **wherein the matching data is sent to the user or subscriber who entered the static queries over the over the Internet to a device** (see ¶ [0143], selecting or retrieving specific information source and distributing conditions basic data satisfying the search criteria in the information source and distributing conditions basic data file, [0153])).

With reference to claim 23, Ueda teaches **wherein the specific device is at least one of a computer, a cell phone and a PDA** (see ¶ [0014, a PDA or a note PC).

6. Claims 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (US 2002/0184200 A1), Crandall (US 6321228 B1) and further in view of Roth et al. (US 2002/0029186 A1), hereinafter Roth.

Ueda and Crandall disclose the claimed invention as detailed above in the previous paragraph. Ueda and Crandall do not teach all of the limitations of claims 14 and 21.

With reference to claim 14, Ueda teaches claimed invention except for the limitation of to place bids. Ueda teaches **wherein advertisers use a website and the system database, and contract with the information exchange to deliver specific ads and information to targeted users or subscribers** (see [0267], [0259], page 20, claim 5). Roth teaches the limitation of place bids (see ¶ [0007], e.g. bids submitted by different advertisers).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the teaching of Ueda by applying the teaching of Roth to evaluate, in real time, bids submitted by different advertisers in order to determine which particular advertisement will be displayed to a viewer (see Roth [0007]).

With reference to claim 21, Ueda teaches claimed invention except for the limitation of advertisers bid. Ueda teaches **wherein the fee is based on at least one of an agreed amount, a transaction fee and a dynamic market in which, for a right to be included first in notifications** (see ¶ [0259], the shared portion in the transmitted data may be bundled together irrespective of the used encoding method and consequently, an amount of transmitted data may be reduced and transfer time and transfer costs may also be kept low, [0267]). Roth teaches advertisers bid (see [0007]).

### ***Response to Arguments***

7. With respect to applicant's arguments on pages 9-11, "*Ueda fails to disclose at least the limitation of 'uploading new data from information providers or administrators into an information exchange for receiving web-based information from the web-based network sources...Roth also fails to teach....determining whether a user wishes to be notified about new*

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*results related to the queries and translating the queries and said other information into a complex query based on at least one of a user profile, other previously entered user information and ranking of search result and third party trigger events, wherein the other information comprises advertisement stored in an ad database... Ueda and Crandall also fail to teach or suggest the limitations of dependent claims 15, 17 and 18 for the same reason. Ueda fails to disclose or teach the limitations of amended claim 9 including the step of 'uploading new data from information providers or administrators into an information exchange.'* The Examiner respectfully disagrees with applicant's arguments. Ueda in fact teaches the amended claim recites limitations. Ueda teaches 'uploading new data from information providers or administrators into an information exchange for receiving web-based information from the web-based network sources' (see ¶ [0143], uploading the information source and distributing conditions basic data to the information source and distributing conditions basic data file of the intermediation computer system, and selecting or retrieving specific information source and distributing conditions basic data satisfying the search criteria in the information source and distributing conditions basic data file, [0019]). Ueda further teaches the 'determining whether a user wishes to be notified about new results related to the queries' (see [0153], [0155], a cellular phone type mobile communication terminal, a ring tone or a vibration may be generated to notify the reception, [0038]), translating the queries and said other information into a complex query based on at least one of a user's profile, other previously entered user information, and search results and third party trigger events (see figure 11, ¶ [0138], an authorized mobile communication terminal by comparing its user ID and password with ones in the user data file, and if authenticated, the session ID is issued and registered in the session ID data file, and on

the other hand, a notification of registration completion is sent to the requesting party, figure 7), wherein the other information comprises advertisements stored in an ad database (see [0270], perform billing operation depending upon the amount of the packets and issue a billing report, [0132]).

Ueda does not explicitly teach the limitation of ranking. Although Ueda teaches categorization (see figure 11). However, Crandall teaches ranking (see column 2, line 10-19).

As such, Examiner concludes that Ueda in view of Crandall teaches the claimed invention. Roth teaches additional features for the dependent claim.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Daniel A Kuddus whose telephone number is (571) 270-1722. The examiner can normally be reached on Monday to Thursday 8.00 a.m.-5.30 p.m. The examiner can also be reached on alternate Fridays from 8.00 a.m. to 4.30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or processing is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center

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(EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Kuddus

Date: 08/26/09

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164